

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RIGOBERTO SANCHEZ,
Movant,

v.

UNITED STATES OF AMERICA,
Respondent.

CIVIL ACTION

NO. 1:10-CV-2938-CAP

CRIMINAL ACTION NO.

1:07-CR-412-10-CAP

O R D E R

After carefully considering the report and recommendation ("R&R") of the magistrate judge [Doc. No. 921] and the objections thereto [Doc. No. 923], the court receives the R&R with approval and ADOPTS it as the opinion and order of this court with respect to the adjudication of Grounds One and Two of Movant's motion to vacate.

In his objections [Doc. No. 923], however, Movant provides the court with an amendment to his motion to vacate in which he raises Grounds Three through Seven. Movant states that he filed this amendment with the court on February 26, 2011, but it was not received by the court. Therefore, these claims were not addressed in the R&R. These claims would be untimely if filed on August 15, 2011 (the date the court received the amendment attached to the objections), but given Movant's statement that he submitted them in

February 2011 and because the amendment is dated February 26, 2011, the court finds these claims to be timely and will be addressed.

The clerk is DIRECTED to file a copy of Movant's amendment [Doc. No. 923, pp. 3-5] on the docket and refer it to the Magistrate Judge for an R&R.

SO ORDERED, this 19th day of August, 2011.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
United States District Judge